



PATENT
Atty Docket No.: P11290.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Miesel
Application No.: 10/678,402
Filed: October 3, 2003
Title: System, Apparatus and Method for Interacting with a Targeted Tissue of a Patient

Group Art Unit: 3762
Examiner: Alter
Conf. No: 1006

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 20, 2010.

By: Tina Willie
Name: Tina Willie

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT FOR FAILURE TO
RECEIVE THE OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This communication is in reply to the Notice of Abandonment mailed May 28, 2010. The present application is currently held abandoned for failure to respond to the Office Action electronically transmitted on October 30, 2009.

Assignee of record asserts that the Office Action was not received by the Assignee of record or the Assignee's representatives. The Office Action was electronically sent to the previous law firm of record according to the cover sheet of the Office Action. However, on October 9, 2009, which was prior to that electronic transmission of the Office Action, the Assignee of record filed a proper revocation and new power of attorney and a change to the

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correspondence address. The filing by the Assignee requested that the correspondence address be changed to the physical address of the Assignee of record, Medtronic, Inc. thereby making the Assignee's address the address of record.

In support of this petition, a declaration of Rick Franzen, an attorney employed by the Assignee of record, is submitted under MPEP 724.02 and provides the statements requested by the MPEP 711.03(c)(I)(A). As stated by Mr. Franzen, the Office Action was not received by the Assignee from the previous law firm that presumably had inadvertently received the Office Action via the electronic transmission on October 30, 2009. In further compliance with MPEP 711.03(c)(I)(A) and to further support that the Office Action was not received by the Assignee at the correspondence address of record or in any other manner, a copy of the patent docket for January 30, 2010, that is maintained by the Assignee at the correspondence address is provided also under MPEP 724.02. This patent docket shows that the Office Action in question, which would have been docketed for the date shown if the Office Action had been received, was not docketed.

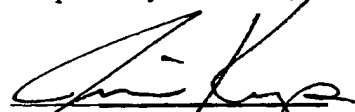
Accordingly, Applicants respectfully request that the holding of abandonment be withdrawn for failure to receive the Office Action.

Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration. The Petitions Attorney is respectfully requested to contact the undersigned by telephone at 770.643.8912 with any questions or comments.

While no fees are believed due, please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2546.

Respectfully submitted,



Jeramie J. Keys, 42,724

On behalf of:

Date: July 16, 2010

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